United Nations A/HRC/RES/28/22*

General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council

28/22. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 25/25 of 28 March 2014 and Assembly resolution 69/188 of 18 December 2014, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[1] which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, as well as at the impunity of perpetrators, as described in the report of the commission of inquiry,

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* Reissued for technical reasons on 17 April 2015.

[1] A/HRC/25/63.

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Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and to look into the possibility of implementing a further 58 recommendations, and emphasizing the importance that the Democratic People's Republic of Korea accept and implement the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the importance of the issue of international abductions and of the immediate return of all abductees, taking note of the outcome of the government-level consultation between the Democratic People's Republic of Korea and Japan in May 2014, and expecting concrete and positive results from the investigations being conducted by the Democratic People's Republic of Korea on all the Japanese nationals, in particular victims of abduction,

Noting the importance of inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Stressing that the resumption of the reunions of separated families across the border is an urgent humanitarian concern of the entire Korean people that needs to be resolved without further delay, and hoping that necessary arrangements for further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(*a*) The denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(*b*) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(*c*) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(*d*) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(*e*) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(*f*) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country and to take immediate steps to end all such violations and abuses through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(*a*) To ensure the right to freedom of thought, conscience and religion, as well as the rights to freedom of opinion, expression and association, including by permitting the establishment of independent newspapers and other media;

(*b*) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(*c*) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(*d*) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons;

(*e*) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and to release all political prisoners, to immediately cease the practice of the arbitrary execution of persons in custody, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(*f*) To resolve the issue of all persons who have been abducted or otherwise forcibly disappeared, as well as their descendants, in a transparent manner, including by ensuring their immediate return;

3. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of

non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the United Nations High Commissioner for Refugees and the Office of the High Commissioner, with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law as well as the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

4. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

5. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

6. *Welcomes* General Assembly resolution 69/188, in which the Assembly decided to submit the report of the commission of inquiry to the Security Council and encouraged it to consider the relevant conclusions and recommendations of the commission and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts that, according to the commission, may constitute crimes against humanity;

7. *Also welcomes* the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized, the holding of an open Council meeting on 22 December 2014 during which the situation of human rights in the Democratic People's Republic of Korea was discussed, and looks forward to the continued and active engagement of the Council on this matter;

8. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

9. *Welcomes* the report of the Special Rapporteur submitted to the Human Rights Council at its twenty-eighth session,[2] in which the Special Rapporteur proposed, among other things, a strategy to address the issue of international abductions, enforced disappearances and related matters in a comprehensive way, including the holding of an international conference thereon;

10. *Also welcomes* the call of the Special Rapporteur for sustained action on this issue by the Human Rights Council, including through a panel discussion to serve as a prominent platform to bring together relevant stakeholders;

11. *Decides* to convene a panel discussion on the situation of human rights in the Democratic People's Republic of Korea, including the issue of international abductions, enforced disappearances and related matters, at its thirtieth session, and requests the Office

[2] A/HRC/28/71.

of the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations funds, agencies and programmes, treaty bodies, special procedures of the Human Rights Council, national human rights institutions and civil society with a view to ensuring their participation in the panel discussion;

12. *Also decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea in accordance with Human Rights Council resolution 25/25 for a period of one year;

13. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

14. *Welcomes* the steps taken by the Office of the High Commissioner towards establishing a field-based structure in the Republic of Korea to strengthen the monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to provide the Special Rapporteur with increased support, to enhance the engagement and capacity-building of the Governments of all States concerned, civil society and other stakeholders and to maintain the visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives, and requests the Office to present an oral update to the Human Rights Council at its thirtieth session, and a comprehensive report at its thirty-first session on the role and achievements of the Office, including on the field-based structure;

15. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources and that it is not subjected to any reprisals or threats;

16. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, effective as of the sixty-ninth session of the Assembly;

17. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

18. *Acknowledges* that the Special Rapporteur held a dialogue with the representatives of the Democratic People's Republic of Korea in New York on 27 October 2014, and urges the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

19. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedures mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

20. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

21. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

22. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

57th meeting
27 March 2015

[Adopted by a recorded vote of 27 to 6, with 14 abstentions. The voting was as follows:

In favour:

Albania, Argentina, Botswana, Brazil, Côte d'Ivoire, El Salvador, Estonia, France, Germany, Ghana, Ireland, Japan, Kazakhstan, Latvia, Maldives, Mexico, Montenegro, Morocco, Netherlands, Paraguay, Portugal, Republic of Korea, Sierra Leone, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Algeria, Bangladesh, Congo, Ethiopia, Gabon, India, Indonesia, Kenya, Namibia, Nigeria, Pakistan, Qatar, Saudi Arabia, South Africa]

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General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council

28/23. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 25/26 of 28 March 2014 and General Assembly resolution 69/248 of 29 December 2014, and President's statement PRST/23/1 of 14 June 2013,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar and the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to the country from 17 to 26 July 2014 and 7 to 16 January 2015,

Recalling its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the positive developments in Myanmar and the commitment of the Government of Myanmar to continue on its path of political, economic and democratic reform, encourages its continued efforts towards national reconciliation and the promotion and protection of human rights and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and to address outstanding issues;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within the Parliament and the opposition parties, urges the Government to continue constitutional reform and to ensure that the constitutional referendum and the elections to be held in 2015 and beyond are credible, inclusive and transparent, ensuring equal opportunity for the representation and participation of women as candidates and voters and that all the people of Myanmar are able to cast their vote, allowing all candidates to fairly contest and the international community to monitor the elections, and ensuring that the democratic transition of Myanmar is sustained by bringing all national institutions,

including the military, under a democratically elected, fully representative civilian government;

3. *Recalls* the earlier release of prisoners of conscience, stresses the important role played by the Committee for Scrutinizing the Remaining Prisoners of Conscience, encourages the continuation of the work of the newly constituted Prisoners of Conscience Affairs Committee and the incorporation of broader representation from the political prisoners' community, and urges the Government of Myanmar to fulfil its commitment to the unconditional release of all remaining political prisoners, including all political activists, journalists, human rights defenders and peaceful protesters recently detained or convicted, and to provide for the full rehabilitation of former prisoners of conscience;

4. *Calls upon* the Government of Myanmar to implement its obligations to protect the right to freedom of expression, association and peaceful assembly, to allow for free and independent media and to take appropriate steps to ensure the safety and security of journalists, civil society activists and human rights defenders and their freedom to pursue their activities, and to maintain particular vigilance to ensure that these freedoms and the operating space for civil society are fully protected in the approach to the elections;

5. *Encourages* the Government of Myanmar to ensure that the National Human Rights Commission is able to discharge its functions fully and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

6. *Urges* the Government of Myanmar to step up its efforts to end all remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment or punishment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and repeats its call upon the Government to take the measures necessary to ensure accountability and to end impunity;

7. *Encourages* the Government of Myanmar to take further steps to strengthen good governance and the rule of law, welcomes the ongoing efforts aimed at reviewing and reforming legislation, including the Constitution, stresses the need for and the relevance of such reforms, recalls the importance of ensuring their compatibility with international standards and democratic principles, and calls upon the Government and political actors to continue legal reform, to address the need for an independent, impartial and effective judiciary and an independent and self-governing professional organization of lawyers, and to consider ratifying additional international instruments, including international human rights conventions, and incorporating them into national legislation;

8. *Urges* the Government of Myanmar to accelerate its efforts to address discrimination, human rights violations, incitement to violence, acts of violence, displacement and economic deprivation affecting members of ethnic and religious minorities, to take all measures necessary to prevent attacks against Muslims and members of other minorities and to hold actors who incite and commit violence accountable, calls upon the Government to ensure the right to vote, freedom of movement and equal access to services, including health and education, and also calls upon the Government to ensure that any legislation on the protection of race and religion is consistent with the transition towards national reconciliation and an open democratic society, and fully consistent with international human rights treaties to which Myanmar is a party;

9. *Expresses concern* at the increase in nationalist-based intolerance of religious and ethnic minorities, as well as of the United Nations and other international organizations, urges the Government of Myanmar and political leaders to publicly condemn

such discourse, and calls upon the Government to take all necessary and appropriate action, in conformity with its international human rights obligations, to combat violence;

10. *Reiterates its serious concern* about the situation of persons belonging to the Rohingya minority and other minorities in Rakhine State, including further instances of violence and other abuses that have led all communities to suffer tremendous trauma, and about reports in the past year of attacks against and abuses of Muslim minorities elsewhere in the country and about intimidation of and threats to the United Nations and other humanitarian workers operating in Rakhine State, and calls upon the Government of Myanmar to protect all civilians from violence, to allow for self-identification, to ensure full respect for human rights and fundamental freedoms, and rapid and unimpeded access to humanitarian assistance without discrimination across Rakhine State and the safe and voluntary return of internally displaced persons to their communities of origin, and to allow freedom of movement for all persons belonging to the Rohingya minority;

11. *Expresses concern* at the declaration of the Government of Myanmar that all white card identity documents would expire on 31 March 2015, which will deny persons belonging to the Rohingya minority any form of identification and the right to vote, and calls upon the Government to issue identity documents for all current white card holders, without discrimination, including all persons belonging to the Rohingya minority, to ensure equal access to full citizenship and related rights and, while welcoming some measures taken by the Government, encourages it, as well as political and civil society leaders, to facilitate interfaith and intercommunity dialogue, including in Rakhine State, and to undertake full, transparent and independent investigations into all reports of human rights violations and abuses, to address the root causes, to ensure accountability and to bring about reconciliation;

12. *Encourages* continued efforts towards a durable nationwide ceasefire with ethnic armed groups and towards an all-inclusive political dialogue leading to comprehensive political solutions, emphasizes the importance of the full, equal and effective participation of women, particularly from communities affected by conflict, in all activities related to the prevention and resolution of armed conflict, the maintenance of peace and security and post-conflict peacebuilding, with the objective of achieving lasting peace; expresses concern at the declaration of a state of emergency and the imposition of martial law in the Kokang self-administered zone and at the increased fighting in Shan and Kachin States; and urges the full implementation of existing ceasefire agreements, including for all parties, to protect the civilian population against violations and abuses of human rights and violations of international humanitarian law and for safe, timely, rapid and unimpeded humanitarian access to be granted to all areas;

13. *Welcomes* the continued engagement and continued cooperation of the Government of Myanmar with the United Nations, including the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Country Task Force on Monitoring and Reporting, co-chaired by the United Nations Children's Fund and the Resident Coordinator for the United Nations, the International Labour Organization and other international actors, and the progress made towards ending the recruitment and use of child soldiers in Myanmar and the elimination of forced labour, including the Government's continued commitment to the joint action plan with the Country Task Force on Monitoring and Reporting to end and prevent the recruitment and use of children by the armed forces, and encourages its full implementation and also the implementation of other relevant agreements, including the commitment to end forced labour by 2015;

14. *Expresses concern* at further delays, while recalling the commitment of the Government of Myanmar to open a country office of the Office of the United Nations High Commissioner for Human Rights, notes the ongoing negotiations and calls upon the Government to promptly establish the office with a full mandate, to specify a process for

the opening of the office in accordance with the mandate of the High Commissioner, and to cooperate with other United Nations actors in the country;

15. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development, and calls upon all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights;

16. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011, 19/21 of 23 March 2012, 22/14 of 21 March 2013 and 25/26, and invites the Special Rapporteur to include in her next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building, and information on the progress in the electoral process and reform in the run-up to the 2015 elections and in the post-electoral period;

17. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and, while recognizing the cooperation of the Government with the Special Rapporteur, calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable her to discharge the mandate fully;

18. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its seventieth session and to the Human Rights Council in accordance with its annual programme of work;

19. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

57th meeting
27 March 2015

[Adopted without a vote.]

United Nations A/HRC/RES/28/24

General Assembly

Distr.: General
13 April 2015

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Human Rights Council
Twenty-eighth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Resolution adopted by the Human Rights Council

28/24. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 69/94 of 16 December 2014, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[1] and in this connection deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the

[1] See A/69/355.

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relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 25/31 of 28 March 2014,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[1]

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 28 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of

the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its thirty-first session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirty-first session.

57th meeting
27 March 2015

[Adopted by a recorded vote of 29 to 1, with 17 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, China, Congo, Côte d'Ivoire, Cuba, El Salvador, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Maldives, Mexico, Morocco, Namibia, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America

Abstaining:

Albania, Botswana, Estonia, France, Germany, Ghana, Ireland, Japan, Latvia, Montenegro, Netherlands, Paraguay, Portugal, Republic of Korea, Sierra Leone, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

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General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Resolution adopted by the Human Rights Council

28/25. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, as well as by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[1] and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

[1] A/CONF.157/23.

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Please recycle

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Taking note of General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination, which is a right *erga omnes*, and considering that the right to self-determination of the Palestinian people is being further violated by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Notes* that the fragmentation of the Occupied Palestinian Territory undermines the possibility of the Palestinian people realizing their right to self-determination and is incompatible with the purposes and principles of the Charter of the United Nations, and stresses in this regard the need for respect for and the preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

5. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

6. *Decides* to continue the consideration of this question at its thirty-first session.

57th meeting
27 March 2015

[Adopted by a recorded vote of 45 to 1, with 1 abstention. The voting was as follows:

In favour:

Albania, Algeria, Argentina, Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, China, Congo, Côte d'Ivoire, Cuba, El Salvador, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Japan, Kazakhstan, Kenya, Latvia, Maldives, Mexico, Montenegro, Morocco, Namibia, Netherlands, Nigeria, Pakistan, Paraguay, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America

Abstaining:

Ghana][*]

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[*] The delegation of Ghana subsequently stated that there had been an error in its voting and that it had intended to vote in favour of the draft text.